

ton counties; providing a penalty, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, September 5, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 45, A bill to be entitled "An Act providing for an open season on squirrels in Polk and Trinity counties; providing penalty, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, September 3, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 34, A bill to be entitled "An Act repealing Senate bill No. 56, Chapter 78, page 242, of the General and Special Laws passed at the Fifth Called Session of the Forty-first Legislature of the State of Texas, 1930,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

#### FIFTH DAY.

(Continued.)

(Tuesday, September 6, 1932.)

The House met at 9:30 o'clock a. m. and was called to order by Speaker Minor.

#### COMMUNICATION FROM GENERAL MANAGER OF THE STATE PRISON SYSTEM.

The following communication was ordered printed in the Journal:

Texas Prison System,

Huntsville, Texas, Sept. 3, 1932.

Honorable R. S. Sterling, Governor, and Members of the Forty-second Legislature.

Honorable Sirs: As many members of the Legislature have asked in regard to the damage caused by the gulf storm of August 13th, and it having been suggested by some members of the Legislature, that they would like a brief report in regard to same,

I deem it proper to state briefly the condition as caused by the storm.

The Prison System had a splendid crop and was just beginning to harvest same. We were expecting about 7,500 bales of cotton from 14,500 acres, as the cotton crop in 1931 was 11,423 bales from 20,000 acres. All open cotton was practically destroyed from the severe wind and from the five to fifteen inches of rain that covered the entire seven lower farms. The cotton was whipped about until there will be no further maturing of same, the smaller bolls will not open and the half grown and grown bolls will open prematurely, which will decrease the staple materially. We believe that 5,000 bales will be a reasonable estimate for the 1932 crop as only 2,000 bales have been harvested at this time.

The corn crop was damaged very severely as it was all blown down and on account of the constant rains since the storm it is in bad condition, but every effort is being made to save same. The syrup and sorghum crop is also damaged proportionately, but quite a lot of this had already been saved. Much of the hay crop already harvested, has largely been destroyed on account of the unroofing and destroying of the barns and sheds. We lost considerable livestock, poultry and swine.

The destruction to the physical property also was very large, the greatest damage being on the Retrieve, Ramsey and Clemens farms, but many barns, commissaries, sheds, water tanks, poultry and hog houses and dairy barns were destroyed on all the seven farms: Clemens, Retrieve, Ramsey, Darrington, Blue Ridge, Central and Harlem. It is hard to estimate the monetary damage, but perhaps buildings and crops will run approximately \$300,000. Fortunately, on account of the saving in operation for 1932, it is not necessary to ask the Legislature for aid to rehabilitate the System on account of this loss.

The System was very fortunate in that there was no loss of life and no one was seriously hurt, although this seems miraculous. At the Ramsey farm 194 prisoners were turned loose, and properly so, and only 27 ran away. Coming at the time, during crop gathering season, makes it quite a problem, but the buildings will be replaced as rapidly as possible and modern sanitary buildings will be erected.

This report is not given as an alibi for the short crop that will now be harvested, as it is well known that we had a splendid crop and that the farms were in splendid condition, but we feel it proper that the Legislature should have this information.

Respectfully,  
LEE SIMMONS,  
General Manager.

LS/w.

#### HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as pending business on its passage to engrossment,

H. B. No. 2, A bill to be entitled "An Act providing for the allocation of the occupation taxes levied and collected under Chapter 88, Acts of the Second Called Session, Forty-first Legislature, and Chapter 98, Acts of the Regular Session, Forty-second Legislature; providing the manner of distribution; providing that such moneys that are transferred to the counties shall be taken into consideration in fixing the tax rate of such counties; making an appropriation of the sum of six million dollars or so much thereof as may be necessary out of the State Highway, etc."

The bill having heretofore been read second time with (committee) amendment, by Mr. Brooks, pending.

Mr. Terrell of Cherokee offered the following amendment to the (committee) amendment:

Amend subdivision (b), page 6, by striking out the words "Commissioner of the General Land Office" and insert in lieu thereof the words "Chairman of the State Highway Commission."

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the (committee) amendment:

Amend (committee) substitute to House bill No. 2 by adding to Section 2, page 4 thereof, the following: "Provided, however, such cost shall include preliminary engineering made on such highways under the direction of the State Highway Department since January 1, 1923."

The amendment was lost.

Mr. Kayton offered the following amendment to the (committee) amendment:

Amend Committee Substitute House bill No. 2, page 6, lines 21 and 22, by striking out the words "and which

has been either changed, relocated, or abandoned."

The amendment was lost.

Mr. Sullivant offered the following amendment to the (committee) amendment:

Amend substitute for House bill No. 2, page 5, Section 4, subdivision (b), by adding thereto the following: "Provided, however, that no county having outstanding more than \$500,000 in bonds or warrants which have been applied on State highways as defined by said act, shall be eligible for State aid for further construction until the present designated State highways in those counties having less than \$500,000 of outstanding bonds or warrants have been constructed and hard-surfaced."

The amendment was lost.

Mr. Sullivant offered the following amendment to the (committee) amendment:

Amend substitute for House bill No. 2 by striking out all of page 2.

The amendment was lost.

Mr. Young offered the following amendments to the (committee) amendment:

(1)

Amend committee substitute to House bill No. 2, page 6, Article 7065a, Section 13, subdivision (a), by striking out all of the first four lines through and down to and including "proceeds expended" in line 5 of said subsection (a) and substitute in lieu thereof the following:

"(a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State which have not matured at the time of the effective date of this act, and in so far as amounts of same were issued for and the proceeds actually expended."

(2)

Amend committee substitute to House bill No. 2, page 7, by adding at the end of Subsection (b) the following: "The board shall adopt its own rules consistent with the act for the proceedings held hereunder and shall have authority to call to its assistance, in arriving at the amounts of bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund, any official or employe of this State. The Board of County and Road District Indebtedness shall have access to all county and State records pertinent to its in-

quiry in arriving at the amounts of the bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Funds."

(3)

Amend committee substitute to House bill No. 2, page 8, line 5, by adding after the word "were" and before the word "expended," at the beginning of said line and after the word "were" and before the word "expended," near the ending of said line, the word "actually."

(4)

Amend committee substitute to House bill No. 2, page 4, Section 4, in line 5 of said section, by adding after the word "further" and before the word "improvement" the words "construction and."

The amendments were severally adopted.

Mr. Johnson of Dimmit offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 to House bill No. 2, page 16 of mimeograph copy, Section 9, by adding at the end of line 20 on said page 16 the following: "Provided, that where the right of way or any part thereof has been abandoned because of the abandonment of such road for all public road purposes, and such right of way or any part thereof was donated by the owner of the land for right of way purposes, then and in that event the fee simple title shall vest in said owner, heirs or assigns."

The amendment was adopted.

Mr. Harman offered the following amendment to the (committee) amendment:

Amend substitute House bill No. 2, page 7, by striking out all after the word "acts," in line 1, down to and excluding the word "district" in line 3.

The amendment was lost.

Mr. Harman offered the following amendment to the (committee) amendment:

Amend committee substitute to House bill No. 2, page 8, by adding at the end of Section (c) the following: "The county judge, the county clerk and the county auditor of each county having road bonds, the proceeds of which have been expended on State highways, shall certify under oath to the board created by this act the amount of bond indebtedness

outstanding and owing by such county, and such statement shall be accepted by said board as the correct amount due by such county to be paid by the State the first year as a basis for immediate adjustment of county tax rates, and any overpayment or underpayment to such county shall be adjusted by said board by decreasing or increasing subsequent payments by the State to such county."

HARMAN,  
VAUGHAN.

The amendment was lost.

Mr. Farrar offered the following amendment to the (committee) amendment:

Amend committee amendment to House bill No. 2, by adding the following section to be designated Section 14 immediately before "Article 7065n":

"For the purpose of caring for and paying the accrued interest and sinking fund upon maturities falling due prior to September 1, 1933, the following methods shall be pursued:

"(a) The Board of County and District Indebtedness shall promptly after this act takes effect find and determine the amount of bonds payable hereunder in each county precinct or road district in the State."

"(b) Whenever said board shall find such amount for any county, road precinct or road district, it shall immediately set aside out of any available State funds of the Highway Department a sufficient amount of money to meet the next accruing interest and sinking fund thereon, and transmit same to the State Treasurer for that purpose, who shall pay same when due.

"(c) As soon as such funds are so set aside and paid to the Treasurer he shall notify the county judge of the county affected thereby, who with the commissioners' court thereof shall make proper credits."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—30.

Akin.	Cox of Limestone.
Albritton.	Elliott.
Anderson.	Farmer.
Baker.	Farrar.
Bradley.	Giles.
Bryant.	Greathouse.
Carpenter.	Harman.
Cox of Lamar.	Hefley.

Hines.	Ray.
Kayton.	Reader.
Laird.	Rogers.
McGregor.	Scott.
Moffett.	Sherrill.
Murphy.	Towery.
Ratliff.	Westbrook.

## Nays—81.

Adams of Jasper.	Kennedy.
Adamson.	Lee.
Adkins.	Leonard.
Alsup.	Lilley.
Bedford.	Long.
Boyd.	McCombs.
Brice.	McGill.
Brooks.	Magee.
Burns of Walker.	Mathis.
Caven.	Metcalf.
Claunch.	Moore.
Coltrin.	Morse.
Daniel.	Munson.
Davis.	Nicholson.
Dodd.	Olsen.
Donnell.	O'Quinn.
Dowell.	Patterson.
Engelhard.	Petsch.
Ferguson.	Ramsey.
Finn.	Richardson.
Fisher.	Rountree.
Forbes.	Sanders.
Ford.	Shelton.
Fuchs.	Smith of Bastrop.
Gilbert.	Smith of Wood.
Goodman.	Sparkman.
Grogan.	Stephens.
Hanson.	Stevenson.
Harrison	Steward.
of El Paso.	Strong.
Herzik.	Sullivant.
Holder.	Terrell
Holland.	of Cherokee.
Hoskins.	Turner.
Hubbard.	Van Zandt.
Hughes.	Vaughan.
Johnson	Wagstaff.
of Dallam.	Walker.
Johnson	Warwick.
of Dimmit.	Weinert.
Jones of Shelby.	West of Coryell.
Jones of Atascosa.	Wiggs.
Justiss.	

## Absent.

Barron.	Harrison
Beck.	of Waller.
Bond.	Hill.
Burns	Holloway.
of McCulloch.	Howsley.
Cunningham.	Jackson.
Dale.	Lasseter.
Dunlap.	Lemens.
Duvall.	Lockhart.
Dwyer.	McDougald.
Graves.	Martin.
Hardy.	Mehl.

Pope.	West
Satterwhite.	of Cameron.
Tarwater.	Wyatt.
Terrell	Young.
of Val Verde.	

## Absent—Excused.

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

Mr. Akin offered the following amendment to the (committee) amendment:

Amend substitute for House bill No. 2 by adding after the words "State highways," as the same appears in Section 1 on page 3 of the mimeographed copy, the words, "and other highways of defined road districts not forming a part of the State highway system of designated roads." And further amend the committee substitute by adding after the words "State highways," wherever the same appears, the words "and highways of other defined road districts not forming a part of the State highway system of designated roads."

AKIN,  
BARRON.

The amendment was lost.

Mr. Kayton offered the following amendment to the (committee) amendment:

Amend committee substitute to House bill No. 2, page 14, Section K. Add a new sentence as follows:

"The chief clerk shall receive a salary not to exceed \$200 per month; auditors and/or bookkeepers and/or bond clerks not to exceed \$150 per month; stenographers and/or clerks not to exceed \$125 per month."

The amendment was adopted.

Mr. Leonard offered the following amendment to the (committee) amendment:

Amend substitute for House bill No. 2 by adding at the end of paragraph (a), on page 7 of the mimeographed copy, the following: "In the event the State Highway Commission has, on a date prior to the effective date of this act, indicated its intention of designating as State highways the public roads of any county or road district in this State, and so recorded its intention in its official minutes, then the provisions of this act shall apply."

The amendment was adopted.

Mr. Wagstaff offered the following amendments to the bill:

Amend Committee Substitute House bill No. 2, page 4, by adding the word and figure "Section 4" preceding the word "All," in line 20.

Page 5 by adding the word and figure "Section 5" preceding the word "All," line 18.

And add between the words "Legislature" and "be," in line 27, the words and figures, "Section 2, Chapter 98."

Also by striking out all of line 28, page 5, and insert in lieu thereof the following: "Subdivisions (12) and (13), which shall read as follows."

Also amend line 29, page 5, by striking out the word and figure "Section (12)" and insert in lieu thereof the word and figure "Subdivision (12)."

Also amend line 13, page 6, by striking out the words "Section 13" and insert in lieu thereof "Subdivision (13)."

Also amend page 14, line 13, by inserting between the words "Legislature" and "be" the following: "Chapter 104."

The amendments were severally adopted.

Mr. Anderson offered the following amendment to the (committee) amendment:

Amend committee substitute for House bill No. 2 by adding the following new section:

"Section 9a. The tax rate of four cents per gallon on gasoline shall not be increased at any time the provisions of this law are in effect."

The amendment was lost by the following vote:

#### Yeas—30.

Albritton.	Laird.
Anderson.	McGregor.
Boyd.	Munson.
Carpenter.	Olsen.
Cox of Lamar.	Patterson.
Davis.	Reader.
Duvall.	Sanders.
Elliott.	Scott.
Farmer.	Smith of Bastrop.
Farrar.	Smith of Wood.
Gilbert.	Terrell
Greathouse.	of Val Verde.
Hefley.	Vaughan.
Hines.	Wiggs.
Hoskins.	Young.
Kayton.	

#### Nays—76.

Adams of Jasper.	Akin.
Adamson.	Alsup.
Adkins.	Barron.

Bedford.	Jones of Shelby.
Bradley.	Jones of Atascosa.
Brooks.	Justiss.
Bryant.	Kennedy.
Burns of Walker.	Lee.
Burns	Lemens.
of McCulloch.	Lilley.
Caven.	McCombs.
Claunch.	McGill.
Coltrin.	Magee.
Cox of Limestone.	Mathis.
Daniel.	Moore.
Dodd.	Morse.
Donnell.	Murphy.
Dowell.	Ramsey.
Engelhard.	Ratliff.
Ferguson.	Richardson.
Finn.	Rountree.
Fisher.	Satterwhite.
Forbes.	Shelton.
Ford.	Sherrill.
Fuchs.	Sparkman.
Giles.	Stephens.
Goodman.	Steward.
Grogan.	Strong.
Hanson.	Sullivant.
Harrison	Tarwater.
of El Paso.	Terrell
Hill.	of Cherokee.
Holland.	Towery.
Holloway.	Turner.
Howsley.	Van Zandt.
Hughes.	Wagstaff.
Jackson.	Walker.
Johnson	Warwick.
of Dallam.	Weinert.
Johnson	West of Coryell.
of Dimmit.	

#### Present—Not Voting.

Lockhart.

#### Absent.

Baker.	Leonard.
Beck.	Long.
Bond.	McDougald.
Brice.	Martin.
Cunningham.	Mehl.
Dale.	Metcalf.
Dunlap.	Moffett.
Dwyer.	Nicholson.
Graves.	O'Quinn.
Hardy.	Petsch.
Harman.	Pope.
Harrison	Ray.
of Waller.	Rogers.
Herzik.	Stevenson.
Holder.	West of Cameron.
Hubbard.	Westbrook.
Lasseter.	Wyatt.

#### Absent—Excused.

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

Question—Shall the committee amendment be adopted?

### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Stevenson and Mr. Hubbard:

H. B. No. 55, A bill to be entitled "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of the cancellation and revocation of any unsold road bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such unsold road bonds retired by reason of such election, and the adjustment of existing tax levies and refund of any taxes levied and collected in anticipation of the sale of such road bonds," etc.

Referred to Committee on Revenue and Taxation.

By Mr. Farmer and Mr. Lockhart:

H. B. No. 56, A bill to be entitled "An Act to amend Articles 1111, 1112 and 1113 of the Revised Civil Statutes of Texas for 1925, and amendments thereof, as passed by the Fortieth Legislature, found in Chapter No. 194, page 276, of the Acts of the Regular Session of the Fortieth Legislature, pertaining to the encumbrance of lighting systems, water systems and sewer systems and income thereof by cities and towns and 'Home Rule' cities; to secure payment of funds for the building and purchasing of improvement thereof, including therein the power to build and encumber natural gas systems and the income thereof for said purposes so that such obligations shall never be a debt upon such cities or towns, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Farmer, Mr. Elliott, Mr. Greathouse, Mr. Scott, Mr. Lockhart, Mr. Sherrill, Mr. Baker and Mr. Rogers:

H. B. No. 57, A bill to be entitled "An Act to provide for the amendment of Section 5 of Chapter 88 of

the Acts of the Second Called Session of the Forty-first Legislature, providing for the fees to be charged for license of motorcycles, side cars and passenger automobiles, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mrs. Hughes and Mr. Ray:

H. B. No. 58, A bill to be entitled "An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount, not to exceed fifty thousand dollars, for the payment of unpaid claims for the school year of 1931-32 out of the Rural Aid Appropriation, as provided in Senate bill No. 263, Forty-second Legislature, Regular Session, and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Bryant:

H. B. No. 59, A bill to be entitled "An Act making it unlawful to take or to kill wild doves or quail for a period of three years in Hall county, Texas; fixing penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Smith of Wood:

H. B. No. 60, A bill to be entitled "An Act to repeal Chapter 120, page 232, of the Special Laws of the Regular Session of the Forty-second Legislature, being a special road law for Wood county, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Burns of McCulloch:

H. B. No. 61, A bill to be entitled "An Act amending Article 2676 of the Revised Civil Statutes of Texas, 1925, relative to the election of county school trustees by providing that one of said trustees shall be elected from the county at large by the qualified voters of the common and consolidated independent school districts of the county; providing that the terms of this act shall apply to all counties having not less than ten thousand, two hundred and sixty-two (10,262) and not more than ten

thousand, three hundred and forty-nine (10,349) inhabitants by the last preceding Federal census, and declaring an emergency."

Referred to Committee on Education.

By Mr. Gilbert:

H. B. No. 62, A bill to be entitled "An Act providing for relief of Needville Independent School District of Fort Bend county in order to aid the school district in rebuilding and repairing its school destroyed by the hurricane which covered the territory in which this district is located on August 13, 1932; making an appropriation to said district for said purposes, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Dowell:

H. B. No. 63, A bill to be entitled "An Act to repeal Chapter 71 of the General Laws of the Second Called Session of the Forty-first Legislature of the State of Texas, 1929 (being Senate bill No. 133), relating to the compensation of district attorneys in judicial districts in this State containing five or more counties, and relating to the appointment of an assistant district attorney in such district, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Harrison of El Paso, Mr. Walker, Mr. Sparkman, Mrs. Hughes, Mr. Jackson, Mr. Bond, Mr. McGill, Mr. Sherrill, Mr. Terrell of Val Verde, Mr. Reader, Mr. Adams of Jasper, Mr. Ramsey, Mr. Leonard and Mr. Cunningham:

H. B. No. 64, A bill to be entitled "An Act to authorize the creation of corporations formed wholly for the purpose of providing housing for families of low income and/or for reconstruction of slum areas; making provision for the regulation by the governing bodies of municipalities in which the properties of such corporations may be situated as to rents, charges, capital structure, rate or return and areas and methods of operation," etc.

Referred to Committee on Municipal and Private Corporations.

#### RECESS.

On motion of Mr. Sanders, the House, at 12 o'clock m., took recess to 2:30 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Johnson of Dallam, House bill No. 54 was ordered not printed.

#### RESOLUTION RE-REFERRED.

On motion of Mr. Hanson, House concurrent resolution No. 5 was withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on State Affairs.

#### HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 2, relative to the allocation of funds of the State Highway Department, and reimbursing counties and districts for money furnished and expended in the construction of designated state highway systems, the bill having heretofore been read second time with committee amendment, pending.

Mr. Harman offered the following substitute for the (committee) amendment:

Amend committee substitute to House bill No. 2 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. The State of Texas, having heretofore assumed the control of the highway system of the State and having assumed and exercised dominion and supervision over such roads, and having provided for the maintenance thereof; and the various counties and road districts of this State having heretofore issued large amounts of bonds, the proceeds of which have been used in the construction of such highways which are now controlled and used by the State of Texas, and the State of Texas having undertaken the construction of new highways entirely at State expense, and without contribution from the counties; it is hereby declared to be the policy of the State of Texas to pay a fair and adequate compensation to all counties and road districts that have heretofore issued bonds for the construction of roads, that now or at any time in the past may have been

a part of the State highway system, as compensation for such construction.

Sec. 2. It is hereby determined by the Legislature that the financial condition of our people is such that they should not be burdened with any additional taxes or bonds, but that immediate and substantial payments should be made by the State to counties and road districts that now have outstanding bonds, the proceeds of which have been used for the construction of roads which are now, or at any time in the past may have been, a part of the State highway system. It is further determined by the Legislature that such payments should be made out of the current revenues of the State Highway Department, and that the use of the aforesaid roads by the State as part of the State highway system, and the use by the State of the right of way, bridges, improvements, and constructions heretofore acquired, erected, or provided at the whole or partial expense of the various counties and road districts constitutes a valuable consideration running to the State, and for which the State is obligated to pay a fair and adequate compensation to the counties and/or road districts out of State highway funds; and it is hereby determined that a fair and adequate compensation for the use of such roads is the amount of accruing interest and maturities of all bonds issued by such counties and/or road districts to the extent that the proceeds of same have been used for the construction of roads which are now, or at any time in the past may have been, a part of the State highway system of this State, it being provided that the interest and maturities referred to shall include only the interest and maturities that shall become due and payable after the effective date of this act, and it is further provided that the extent to which the proceeds of any particular bond issue, or issues, shall have been used for the construction of roads which are now a part of the State highway system, shall be determined by the State Comptroller of Public Accounts, the Chairman of the State Highway Commission, and the Attorney General of this State, who acting jointly, shall ascertain such facts from an examination of all relevant public records, both State and local, and they shall have power to require any county judge to furnish

any necessary information concerning any bond issue of his county and/or road districts therein, and in event any county judge shall fail or refuse to furnish such information for a period of more than thirty (30) days from and after receipt of a written request from such officials, they shall have the power and they are hereby authorized to determine that no part of the proceeds of the bonds issued by such county, and/or road districts within such county, have been used in the construction of roads which are now, or at any time in the past may have been, a part of the State highway system of this State, and the determination of the aforesaid officials shall be in all cases conclusive, save that this shall not be construed as denying any county or road district the right to appeal to the courts in case of fraud.

Sec. 3. The aforementioned officials shall, as soon as possible, and in no event more than ninety days (90) after the effective date of this act, meet and determine the amount and percentage of the proceeds of bonds that have been by each and every county and/or road district expended in the construction of roads that now or any time in the past may have been a part of the State highway system, and determine the amount of interest and maturities of both principal and sinking funds payable on such amount and percentage of such bonds, as well as the due dates of such interest and maturities, and shall certify their findings to the Treasurer of this State, and it shall be the duty of the Treasurer of this State, to thereafter from time to time set aside from the State highway funds a sum equal to the sums so certified, and he shall hold such funds in a suspense account, which said suspense account shall not be subject to warrants drawn for any purpose other than as hereinafter set out; and he shall at all times keep a sufficient sum in said suspense account to meet all payments of interest, principal, and sinking funds maturing within the next succeeding six months, as shown by the certificate of the aforementioned officers, and as such interest payments and maturities, including sinking funds, become due and payable, and as payments of either interest, principal, or sinking funds become due upon any such bonds, including bonds with serial maturities, the State Comptroller of Public Accounts



shall thirty (30) days prior to the maturity or due date of such payment of principal, interest, or sinking funds, issue his warrants to the county or road districts owing such indebtedness and such warrants shall be for the use and benefit of the holder or holders of such indebtedness, or for the sinking fund account of such bonds, and shall so state upon their face and shall be payable only when, and in event, they are endorsed by the county judge of the county owing such indebtedness or in which the road districts owing such indebtedness is located, to the order of the holder of such indebtedness or to the sinking fund account of such bonds and then either directly or in due course to the State of Texas. Such warrants shall be drawn on the State Treasurer for payment and such official shall, upon proper endorsement and presentation, pay such maturities of either principal, including sinking funds, and/or interest and shall, upon payment, take, cancel, and preserve for at least five years the interest coupons and/or bonds so paid.

Sec. 4. The term "construction," whenever used herein, shall be construed to include the term "improvement," "erection," "aid in construction," "aid in improvement," "aid in erection," and "procurement of right of way."

The term "road," wherever used herein, shall be construed to include the term "bridge," "culvert," and "drainage" structure. The term "bonds," wherever used herein, shall be construed to include the term "warrants" where legally issued, and the term "bonds" shall include not only bonds at this time actually issued, but all bonds at this time actually authorized; provided, that the proceeds thereof shall hereafter be used for the construction of roads, which may now, or at that time, be a part of the State highway system of this State, but it shall not include any bonds not at this time actually and legally authorized; and all sums heretofore or hereafter paid by counties and/or road districts to the State Highway Department for such use, shall be considered as having been actually paid and used for aid in such construction, and it is further expressly provided that, for all purposes of this act, all bonds which were issued for, or the proceeds of which were used for the refunding or retiring of pre-existing bonds, the

proceeds of which said pre-existing bonds, had theretofore been used in the construction of roads that are now, or at any time in the past may have been, a part of the State highway system of this State, shall be considered as having been themselves issued and used for the construction of such parts of the State highway system.

Sec. 5. No provision of this act shall ever be so constructed as to authorize the giving or lending of the credit of the State of Texas to any county or road district or to pledge the credit of this State in any manner, nor is it the intention of the Legislature to assume the payment of any outstanding indebtedness nor assume any obligation to any bondholder whatsoever, but all payments provided therein are made and intended solely as compensation for the use of the roads, and constructions made on State highways for the use and benefit of the State of Texas by the respective counties and/or road districts.

Sec. 6. All funds and securities, now accumulated and in the sinking funds of the respective counties and road districts, shall remain therein until the maturity dates of the bonds for which such sinking funds shall have been established and all maturities of either sinking fund or serial bonds which have become due prior to the effective date of this act shall be met from such sinking funds, and not out of funds of the Highway Department.

Sec. 7. Any person who shall violate any provision of Section 3 of this bill shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not exceeding \$10,000 or by imprisonment in the penitentiary for not less than two nor more than five years.

Sec. 8. The fact that the State of Texas, through its Highway Department, is now using hundreds of miles of highway constructed and improved entirely or partially at the expense of the various counties and road districts, without having paid any consideration for such construction and improvements, creates an emergency and an imperative public necessity that the constitutional rule requiring bills be read on three several days in both houses, be suspended, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Howsley moved the previous question on the pending (committee) amendment, the substitute for the committee amendment and all amendments on the Speaker's desk, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Harman, it was lost.

Mr. Terrell of Cherokee offered the following amendment to the (committee) amendment:

Amend the committee substitute to House bill No. 2, page 11, after the word "District," third line from the bottom of the page, by adding the following: "Provided, that the Board of County and Road District Indebtedness shall not approve any refunding bonds as eligible to participate in the 'County and Road District Highway Fund,' as set up in first paragraph of page 6, unless such refunding bonds bear as low a rate, or a lower rate of interest than that borne by the original bonds or warrants refunded, and the maturity date of such refunding bonds and/or warrants shall not extend more than ten years beyond the maturity date of the original bonds and/or warrants."

The amendment was adopted.

Mr. Pope offered the following substitute for the (committee) amendment:

Amend committee substitute for House bill No. 2 by striking out all after the enacting clause and insert the following:

Section 1. The occupation taxes levied and collected under Chapter 88, Acts of the Second Called Session, Forty-first Legislature, and Chapter 98, Acts of the Regular Session, Forty-second Legislature, shall be allocated by the Comptroller and placed in the State Treasury as provided in this law immediately upon the collection of the same in the proportion and as follows: One-fourth of such occupation tax shall go to the Available Free School Fund, and three-fourths of same or so much thereof as may be necessary shall be placed in a suspense account with the State Treasurer and shall be held by him for the various counties of the State having outstanding as of April 1, 1932, bonded and/or warrant indebtedness issued for the purpose of making permanent improvements in the various counties in Texas. The Comptroller, State Treasurer and State Highway Engineer on or

before January 1, 1933, shall ascertain the amount of such bonds and warrants which each county in this State had outstanding on April 1, 1932, issued for the purpose above-mentioned, and shall allocate to each said county a proportionate part of said fund which the outstanding bonded and warrant indebtedness, as aforesaid, bears to the total outstanding bonded indebtedness of all such counties as ascertained by them. Upon calculating the amount belonging to each county the State Highway Engineer and the Comptroller shall furnish the State Treasurer with a certificate of that fact, and the Treasurer, on such certificate, shall pay over such amount to the county treasurer of each such county, and the said amount allotted to such county shall be kept by such county treasurer as a trust fund for the payment of the interest and for the retirement of such pro rata part of said bonds and warrants declared to be the proportionate part due by that county, and said allotment shall be used for no other purpose; and the said county treasurer shall pay out said amount for that purpose only. Should such county treasurer pay out such allotment or any part thereof for any other purpose, it shall be deemed to be a misapplication of public trust funds and punished as in such cases provided. The county receiving the same shall use the same only for the purpose of retiring such bonds, and warrants, or paying the annual interest and sinking fund thereon. On or before January 1st, thereafter a like determination as of January 1st, preceding, and a like allocation and remittance shall be made for the same purpose. The word "county," as used herein, shall include road districts in such county. The Attorney General shall bring suit in behalf of the State in any court of competent jurisdiction in Travis county to recover the amount of taxes, penalties and interest past due and payable by any person affected by this law.

Sec. 2. The commissioners courts, county auditors, and various other county officers possessing records and accounts of such bond and warrant indebtedness in counties affected by this act shall aid the Comptroller, State Treasurer, and State Highway Engineer with such accounts and records and any other evidence in

their keeping to ascertain the amount of outstanding bonds and warrant indebtedness issued as provided in Section 1 hereof. Provided further, when it shall appear that in any county affected by the terms of this act, that said funds payable hereunder are insufficient to pay the annual interest and sinking fund on all said outstanding bonds and warrants in such county, the county commissioners court shall fix a rate of taxation sufficient only to pay the annual interest and sinking fund on the unpaid balance of such annual interest and sinking fund on such bonds and warrants.

Sec. 3. There is hereby appropriated out of the moneys to be accumulated under the terms hereof as herein provided, annually a sum sufficient to pay the interest and sinking fund for the year 1932, and annually thereafter, on such bonds and warrants.

Sec. 4. Whenever the sum of money to be collected from the three-fourths of said tax for the balance of the year 1932 shall equal three-eighths of the entire 1932 tax from said source, then and thereafter, there shall be placed in said suspense account only the equivalent of three-eighths of said tax as and when same accrues, and three-eighths of said tax shall be placed to the credit of the State Highway Fund.

Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 6. The fact that the Constitution provides that counties may collect occupation tax where the State has levied such taxes, and the fact that this act authorized counties to receive their just portion of the occupation taxes collected on the sale of gasoline, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Pending consideration of the amendment, Mr. Van Zandt occupied the chair temporarily.)

(Speaker in the chair.)

Mr. McGregor, by unanimous consent, offered the following amendment to the amendment by Mr. Pope:

Amend the substitute for House bill No. 2 by striking out the last sentence in Section 1 thereof.

The amendment was adopted.

Question first recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

#### Yeas—33.

Akin.	Giles.
Baker.	Greathouse.
Barron.	Hardy.
Bond.	Hefley.
Bryant.	Laird.
Burns of Walker.	Lockhart.
Burns	McGregor.
of McCulloch.	Patterson.
Carpenter.	Pope.
Cox of Lamar.	Ramsey.
Cox of Limestone.	Richardson.
Cunningham.	Scott.
Dale.	Sherrill.
Daniel.	Terrell
Duvall.	of Val Verde.
Elliott.	Towery.
Finn.	Walker.
Forbes.	

#### Nays—93.

Adams of Harris.	Hill.
Adams of Jasper.	Hines.
Adamson.	Holder.
Adkins.	Holloway.
Albritton.	Hoskins.
Alsup.	Howsley.
Anderson.	Hubbard.
Bedford.	Hughes.
Boyd.	Jackson.
Bradley.	Johnson
Brice.	of Dallam.
Brooks.	Johnson
Caven.	of Dimmit.
Claunch.	Jones of Shelby.
Coltrin.	Justiss.
Davis.	Kennedy.
Dodd.	Lee.
Donnell.	Lemens.
Dowell.	Leonard.
Engelhard.	Lilley.
Farmer.	Long.
Farrar.	McCombs.
Ferguson.	McGill.
Fisher.	Magee.
Ford.	Mathis.
Fuchs.	Metcalfe.
Gilbert.	Moffett.
Goodman.	Moore.
Graves.	Morse.
Grogan.	Munson.
Hanson.	Nicholson.
Harman.	Olsen.
Harrison	Petsch.
of El Paso.	Ratliff.
Herzik.	Ray.

Reader.	Tarwater.
Rogers.	Terrell
Rountree.	of Cherokee.
Sanders.	Turner.
Satterwhite.	Van Zandt.
Shelton.	Vaughan.
Smith of Bastrop.	Wagstaff.
Smith of Wood.	Warwick.
Sparkman.	Weinert.
Stephens.	West of Coryell.
Stevenson.	West of Cameron.
Steward.	Wiggs.
Strong.	Young.
Sullivant.	

**Present—Not Voting.**

Jones of Atascosa.

**Absent.**

Beck.	McDougald.
Dunlap.	Martin.
Dwyer.	Mehl.
Harrison	Murphy.
of Waller.	O'Quinn.
Holland.	Westbrook.
Kayton.	Wyatt.
Lasseter.	

**Absent—Excused.**

Bounds.	Keller.
Coombes.	Savage.

The committee amendment as amended was then adopted by the following vote:

**Yeas—118.**

Adams of Jasper.	Duvall.
Adamson.	Engelhard.
Adkins.	Farmer.
Akin.	Farrar.
Albritton.	Ferguson.
Alsup.	Finn.
Anderson.	Fisher.
Baker.	Forbes.
Barron.	Fuchs.
Bond.	Gilbert.
Boyd.	Giles.
Bradley.	Goodman.
Brice.	Graves.
Brooks.	Greathouse.
Bryant.	Grogan.
Burns of Walker.	Hanson.
Carpenter.	Hardy.
Caven.	Harrison
Claunch.	of El Paso.
Coltrin.	Hefley.
Cox of Lamar.	Herzik.
Cox of Limestone.	Hill.
Cunningham.	Hines.
Dale.	Holder.
Daniel.	Holloway.
Davis.	Hoskins.
Dodd.	Howsley.
Donnell.	Hubbard.
Dowell.	Hughes.

Jackson.	Richardson.
Johnson	Rogers.
of Dallam.	Rountree.
Johnson	Sanders.
of Dimmit.	Satterwhite.
Jones of Shelby.	Scott.
Jones of Atascosa.	Shelton.
Justiss.	Sherrill.
Kennedy.	Smith of Bastrop.
Laird.	Smith of Wood.
Lee.	Sparkman.
Lemens.	Stephens.
Leonard.	Stevenson.
Lilley.	Steward.
Long.	Strong.
McCombs.	Tarwater.
McGill.	Terrell
McGregor.	of Cherokee.
Magee.	Terrell
Mathis.	of Val Verde.
Metcalfe.	Towery.
Moffett.	Turner.
Moore.	Van Zandt.
Morse.	Vaughan.
Munson.	Wagstaff.
Nicholson.	Walker.
Olsen.	Warwick.
Patterson.	Weinert.
Petsch.	West of Coryell.
Ramsey.	West of Cameron.
Ratliff.	Wiggs.
Ray.	Young.
Reader.	

**Nays—9.**

Bedford.	Harman.
Burns	Lasseter.
of McCulloch.	Lockhart.
Elliott.	Pope.
Ford.	Sullivant.

**Absent.**

Beck.	McDougald.
Dunlap.	Martin.
Dwyer.	Mehl.
Harrison	Murphy.
of Waller.	O'Quinn.
Holland.	Westbrook.
Kayton.	Wyatt.

**Absent—Excused.**

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 2 was then passed to engrossment.

**HOUSE BILL NO. 2 ON THIRD READING.**

Mr. Stevenson moved that the constitutional rule requiring bills to be

read on three several days be suspended, and that House bill No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—119.

Adams of Jasper.	Johnson
Adamson.	of Dallam.
Adkins.	Johnson
Akin.	of Dimmit.
Albritton.	Jones of Shelby.
Alsup.	Jones of Atascosa.
Anderson.	Justiss.
Baker.	Kennedy.
Barron.	Laird.
Bedford.	Lasseter.
Bond.	Lee.
Boyd.	Lemens.
Bradley.	Leonard.
Brice.	Lilley.
Brooks.	Long.
Bryant.	McCombs.
Burns of Walker.	McGill.
Carpenter.	McGregor.
Caven.	Magee.
Claunch.	Mathis.
Coltrin.	Metcalfe.
Cox of Lamar.	Moffett.
Cox of Limestone.	Moore.
Cunningham.	Morse.
Dale.	Munson.
Daniel.	Nicholson.
Davis.	Olsen.
Dodd.	Patterson.
Donnell.	Petsch.
Dowell.	Ramsey.
Duvall.	Ratliff.
Elliott.	Ray.
Engelhard.	Reader.
Farmer.	Richardson.
Farrar.	Rogers.
Finn.	Rountree.
Fisher.	Sanders.
Forbes.	Satterwhite.
Fuchs.	Scott.
Gilbert.	Shelton.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Stephens.
Hanson.	Stevenson.
Hardy.	Steward.
Hefley.	Strong.
Herzik.	Sullivant.
Hill.	Tarwater.
Hines.	Terrell
Holder.	of Cherokee.
Holland.	Terrell
Hoskins.	of Val Verde.
Howsley.	Turner.
Hubbard.	Van Zandt.
Hughes.	Vaughan.
Jackson.	Wagstaff.

Walker.	West of Cameron.
Warwick.	Wiggs.
Weinert.	Young.
West of Coryell.	

## Nays—5.

Burns	Ford.
of McCulloch.	Lockhart.
Ferguson.	Pope.

## Absent.

Beck.	Kayton.
Dunlap.	McDougald.
Dwyer.	Martin.
Harman.	Mehl.
Harrison	Murphy.
of El Paso.	O'Quinn.
Harrison	Towery.
of Waller.	Westbrook.
Holloway.	Wyatt.

## Absent—Excused.

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

The Speaker then laid House bill No. 2 before the House on its third reading and final passage.

The bill was read third time.

Mr. Burns of McCulloch moved that further consideration of the bill be postponed until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

## Yeas—38.

Adams of Jasper.	Hefley.
Adkins.	Herzik.
Anderson.	Hoskins.
Bond.	Justiss.
Bradley.	Laird.
Burns	Lasseter.
of McCulloch.	Leonard.
Cox of Lamar.	Lockhart.
Cox of Limestone.	Moore.
Cunningham.	Patterson.
Daniel.	Pope.
Donnell.	Richardson.
Duvall.	Rogers.
Elliott.	Scott.
Farmer.	Sherrill.
Ferguson.	Sullivant.
Ford.	Terrell
Greathouse.	of Val Verde.
Hanson.	West of Coryell.
Harman.	Young.

## Nays—83.

Adamson.	Alsup.
Akin.	Baker.
Albritton.	Barron.

Boyd.	Kennedy.
Brice.	Lee.
Brooks.	Lemens.
Bryant.	Lilley.
Burns of Walker.	McCombs.
Carpenter.	McGill.
Caven.	Magee.
Claunch.	Mathis.
Coltrin.	Metcalfe.
Dale.	Moffett.
Davis.	Morse.
Dodd.	Munson.
Dowell.	Nicholson.
Engelhard.	Olsen.
Farrar.	Petsch.
Finn.	Ramsey.
Fisher.	Ratliff.
Forbes.	Ray.
Fuchs.	Reader.
Gilbert.	Sanders.
Giles.	Satterwhite.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Grogan.	Sparkman.
Hardy.	Stephens.
Hill.	Stevenson.
Hines.	Steward.
Holder.	Strong.
Holland.	Tarwater.
Holloway.	Towery.
Howsley.	Turner.
Hubbard.	Van Zandt.
Hughes.	Vaughan.
Jackson.	Wagstaff.
Johnson	Walker.
of Dallam.	Warwick.
Johnson	Weinert.
of Dimmit.	West of Cameron.
Jones of Shelby.	Wiggs.
Jones of Atascosa.	

## Absent.

Beck.	McGregor.
Bedford.	Martin.
Dunlap.	Mehl.
Dwyer.	Murphy.
Harrison	O'Quinn.
of El Paso.	Rountree.
Harrison	Shelton.
of Waller.	Terrell
Kayton.	of Cherokee.
Long.	Westbrook.
McDougald.	Wyatt.

## Absent—Excused.

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

House bill No. 2 was then passed by the following vote:

## Yeas—120.

Adams of Jasper.	Akin.
Adamson.	Albritton.
Adkins.	Alsup.

Anderson.	Jones of Atascosa.
Baker.	Justiss.
Barron.	Kayton.
Bedford.	Kennedy.
Bond.	Laird.
Boyd.	Lee.
Bradley.	Lemens.
Brice.	Leonard.
Brooks.	Lilley.
Bryant.	Long.
Burns of Walker.	McCombs.
Carpenter.	McGill.
Caven.	McGregor.
Claunch.	Magee.
Coltrin.	Mathis.
Cox of Limestone.	Metcalfe.
Cunningham.	Moffett.
Dale.	Moore.
Daniel.	Morse.
Davis.	Munson.
Dodd.	Nicholson.
Donnell.	Olsen.
Dowell.	Patterson.
Duvall.	Petsch.
Elliott.	Ramsey.
Engelhard.	Ratliff.
Farmer.	Ray.
Farrar.	Reader.
Ferguson.	Rogers.
Finn.	Rountree.
Fisher.	Sanders.
Forbes.	Satterwhite.
Fuchs.	Scott.
Gilbert.	Shelton.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Stephens.
Hanson.	Stevenson.
Hardy.	Steward.
Harrison	Strong.
of El Paso.	Tarwater.
Hefley.	Terrell
Herzik.	of Cherokee.
Hill.	Terrel
Hines.	of Val Verde.
Holder.	Towery.
Holland.	Turner.
Holloway.	Van Zandt.
Hoskins.	Vaughan.
Howsley.	Wagstaff.
Hubbard.	Walker.
Hughes.	Warwick.
Jackson.	Weinert.
Johnson	West of Coryell.
of Dallam.	West of Cameron.
Johnson of Dimmit.	Wiggs.
Jones of Shelby.	Young.

## Nays—9.

Burns	Lasseter.
of McCulloch.	Lockhart.
Cox of Lamar.	Pope.
Ford.	Richardson.
Harman.	Sullivant.

**Absent.**

Beck.	Martin.
Dunlap.	Mehl.
Dwyer.	Murphy.
Harrison	O'Quinn.
of Waller.	Westbrook.
McDougald.	Wyatt.

**Absent—Excused.**

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

Mr. Vaughan moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed by the following vote:

**Yeas—104.**

Adams of Jasper.	Holder.
Adamson.	Holland.
Adkins.	Holloway.
Akin.	Hoskins.
Albritton.	Howsley.
Alsup.	Hubbard.
Anderson.	Hughes.
Baker.	Jackson.
Barron.	Johnson
Boyd.	of Dallam.
Bradley.	Johnson
Brice.	of Dimmit.
Erooks.	Jones of Shelby.
Bryant.	Jones of Atascosa.
Burns of Walker.	Justiss.
Carpenter.	Kayton.
Caven.	Kennedy.
Claunch.	Lee.
Coltrin.	Lemens.
Dale.	Leonard.
Daniel.	Lilley.
Davis.	Long.
Dodd.	McCombs.
Donnell.	McGill.
Dowell.	McGregor.
Duvall.	Magee.
Engelhard.	Mathis.
Farmer.	Metcalfe.
Farrar.	Moffett.
Ferguson.	Morse.
Finn.	Munson.
Fisher.	Olsen.
Forbes.	Patterson.
Fuchs.	Petsch.
Giles.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Grogan.	Reader.
Hanson.	Rogers.
Hardy.	Rountree.
Harrison	Sanders.
of El Paso.	Satterwhite.
Herzik.	Scott.
Hill.	Smith of Bastrop.
Hines.	Smith of Wood.

Sparkman.	Vaughan.
Stephens.	Wagstaff.
Stevenson.	Walker.
Steward.	Warwick.
Strong.	Weinert.
Tarwater.	West of Coryell.
Towery.	West of Cameron.
Turner.	Wiggs.
Van Zandt.	

**Nays—17.**

Burns	Hefley.
of McCulloch.	Laird.
Cox of Lamar.	Lasseter.
Cox of Limestone.	Lockhart.
Cunningham.	Pope.
Elliott.	Richardson.
Ford.	Sherrill.
Gilbert.	Sullivant.
Greathouse.	Terrell
Harman.	of Val Verde.

**Present—Not Voting.**

Moore.

**Absent.**

Beck.	Murphy.
Bedford.	Nicholson.
Bond.	O'Quinn.
Dunlap.	Shelton.
Dwyer.	Terrell
Harrison	of Cherokee.
of Waller.	Westbrook.
McDougald.	Wyatt.
Martin.	Young.
Mehl.	

**Absent—Excused.**

Adams of Harris.	Keller.
Bounds.	Savage.
Coombes.	

**REASONS FOR VOTE.**

I am voting for the Pope bill, House bill No. 25, because it offers the quickest and greatest relief to the taxpayers of all the people of Texas.

**TOWERY.**

In my opinion this bill violates Sections 50 and 51, Article III, of the Constitution of this State. The passage of this bill, that requires the application of gas tax used in counties that have no bonds to the payment of road bonds of other counties, is in my judgment unjust and inequitable. I believe that the State should build all State highways, but I believe that the principal highways should be finished before the bonds of counties are paid; in other words, I do not believe that counties having no roads should have to wait until the roads now constructed in other

counties should be paid for. I voted against this bill for the further reason that the passage of this bill will give no substantial relief to the common people, but will mean many million dollars to the bondholders, in that the market value of such bonds will be doubled by the passage of this bill. I voted against this bill for the further reason that this bill will not give any substantial relief to the common people, but will mean the saving of millions of dollars to the railroads, utilities, oil companies, pipe line companies and the large landowners of the State.

LOCKHART.

I vote "no" because this bill creates another commission. I will not vote for any bill that will create any more boards or commissions.

COX of Lamar.

I voted "no" on House bill No. 2 because it has been amended on floor of House in many sections, and a day's delay to study the bill should have been allowed.

LASSETER.

#### ADDRESS BY THE HON. TOM CONNALLY.

Mr. Gilbert offered the following resolution:

Whereas, The Hon. Tom Connally, United States Senator from Texas, is now on the floor of the House; therefore, be it

Resolved by the House of Representatives, That Senator Connally be invited to the Speaker's platform, and that he be requested to address the House.

Signed—Gilbert, Lockhart, Strong, Holder, Duvall, Graves, Dodd, Hubbard.

The resolution was read second time and adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Senator Tom Connally to the Speaker's stand:

Mrs. Strong, Mr. Dodd, Mr. Lockhart, Mr. Duvall, Mr. Graves, Mr. Gilbert, Mr. Hubbard and Mr. Holder.

The committee having performed their duty, Speaker Minor presented Mr. Gilbert, who in turn introduced Senator Tom Connally.

Senator Connally then addressed the House.

#### MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,  
September 6, 1932.

To the Members of the Forty-second Legislature:

By reason of the fact that a great hurricane swept Fort Bend county on August 13, 1932, and destroyed property values in excess of a million dollars and totally destroyed the negro school building in the Needville Independent School District at Needville, Texas, and on account of the inability of the people to repair and reconstruct said building, and on account of the district being unable to further bond itself, and on account of the approaching school term being in the immediate present, creates an emergency, and by reason of said calamity and by precedent heretofore established, it seems proper that the State should aid in the repair and reconstruction of said building.

The bill hereto attached on this subject is submitted for your consideration.

Respectfully submitted,  
R. S. STERLING,  
Governor.

#### ADJOURNMENT.

Mr. Hardy moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Boyd moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Kayton moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

The motion of Mr. Kayton prevailed and the House, accordingly, at 5 o'clock p. m., adjourned until 9:30 o'clock a. m., Wednesday, September 7.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Appropriations: House bills Nos. 36, 37 and 58.

Banks and Banking: Senate bills Nos. 1 and 2.

Education: House bill No. 54.